

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-11 are currently pending, and Claims 1-3 and 5-11 are amended. The amendments to Claims 1-3 and 5-11 more clearly describe and distinctly claim Applicant's invention, and no new matter is added.

Applicant thanks the Examiners for the courtesy of an interview extended to Applicant's representatives on February 8, 2005. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action, were discussed. The Examiners agreed that the currently submitted amendments to the independent claims overcome the present grounds of rejection. Arguments presented during the interview are reiterated below.

In the outstanding Office Action Figs. 10a and 10b were objected to; Claims 1, 9, and 10 were rejected under 35 U.S.C. §102(e) as anticipated by Homma et al. (U.S. Patent No. 6,124,891, herein Homma); and Claims 2-8 and 11 were objected to as depending upon a rejected base claim, but were indicated as allowable if rewritten in independent form.

With respect to the objection to Figs. 10a and 10b, submitted Figs. 10a, 10b are submitted herein that are labeled as "Background Art."

Claim 1 is directed to an exposure control apparatus configured to determine an exposure value based on a luminance of a photographic screen and to perform exposure control based on a determined exposure value. The exposure control apparatus includes an area generating unit configured to divide the photographic screen into a predetermined number of areas. A deciding unit is configured to decide, for each area generated by the area generating unit, whether a main subject that has a luminance higher than a predetermined threshold exists within the areas. An average luminance calculating unit is configured to

calculate an average luminance in an area generated by the area generating unit according to a decision result by the deciding unit. An exposure value determining unit is configured to determine an exposure value based on the average luminance calculation by the average luminance calculating unit.

Claim 1 recites "...a deciding unit configured to decide, for each area generated by said generating unit, whether a main subject that has a *luminance higher than a predetermined threshold* exists within the areas..." (emphasis added). Independent Claims 9 and 10 also recite similar features. Homma does not teach or suggest these features of Claims 1, 9, and 10.

On the contrary, Homma teaches an exposure apparatus that positions a light measuring area around the object to be photographed. Fig. 4 shows object C and light measuring area B. Homma teaches a circuit that has a luminance level inside-light-measuring area detecting circuit 101 and an outside-light-measuring area detecting circuit 102. Circuits 101 and 102 detect the luminance inside area B and the luminance outside area B respectively. The results obtained by circuits 101 and 102 are supplied to subtraction circuit 103. Circuit 103 computes a difference between the results obtained by circuits 101 and 102. This difference is supplied to an object position determining circuit 104. The determining circuit retains the absolute value of the difference determined by circuit 103.

In Homma, since absolute value is being used, it does not matter whether the luminance inside or outside of area B is greater than or less than a predetermined threshold value. The position of light measuring area B is serially shifted upward, downward, to the left, and to the right as shown in Fig. 5. The values of luminance difference between the inside and the outside of the light measuring area are computed at every one of these varied positions of the light measuring area. The object position determining circuit 104 determines a position at which the luminance difference is obtained in the largest value to be the position

of the object. Homma only teaches and suggests using the difference in luminance between two areas. Homma makes no suggestion to use a predetermined threshold.

Homma teaches another embodiment in Fig. 22 that includes a band pass filter.

Homma teaches using the band pass filter to remove a high frequency component of the signal. Homma teaches that the luminance component and the high-frequency component are separate and the band pass filter is only applied to the frequency component.¹ Thus, the use of band pass filter also does not determine if a luminance is higher than a predetermined threshold value.

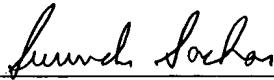
Thus, Homma does not teach or suggest "...a deciding unit configured to decide, for each area generated by said generating unit, whether a main subject that has a luminance higher than a predetermined threshold exists within the areas...."

In view of the above-noted distinctions, Applicant respectfully submits that Claim 1 patentably distinguishes over Homma. In addition, for at least the reasons given for Claim 1, Applicants respectfully submit that Claims 9 and 10 also patentably distinguish over Homma.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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¹ Homma, col. 19, lines 4-7.